

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA *ex rel.* STEPHEN  
SISSELMAN, D.O.,

Plaintiff,

22 Civ. 00861 (PKC)

-against-

ZOCDOC, INC.,

**FILED UNDER SEAL**

Defendant.

**THE GOVERNMENT'S NOTICE OF DECISION TO DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States of America (the “Government” or the “United States”), by its undersigned attorney, hereby respectfully notifies the Court of its decision not to intervene in the above-referenced *qui tam* action.

Although the United States declines to intervene in this action, the United States respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain his action in the name of the United States, provided, however, that the complaint “may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” *Id.* Therefore, the United States respectfully requests that in the event that the relator or the defendant seeks to dismiss, settle, or otherwise discontinue this action, the Court shall require the party or parties proposing such relief to solicit the written consent of the Government before applying for Court approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings and briefs filed in this matter be served upon the United States. The United States also

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA *ex rel.* STEPHEN  
SISSELMAN, D.O.,

Plaintiff,

22 Civ. 00861 (PKC)

-against-

**FILED UNDER SEAL**

ZOCDOC, INC.,

Defendant.

**ORDER**

The United States of America having now declined to intervene pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), with respect to the claims raised in the first amended complaint filed by the relator;

IT IS ORDERED THAT,

1. The first amended complaint shall be unsealed thirty days after entry of this Order and, in the event that the relator has not moved to dismiss the action, service upon the defendant by the relator is authorized as of that date. If the relator voluntarily dismisses the first amended complaint pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure within this thirty-day period, the relator may seek to modify this Order with the consent of the United States or by motion on notice to the United States.

2. All documents filed in this action prior to the entry of this Order shall remain under seal and not be made public, except for, thirty days after entry of this Order, the relator's complaint and first amended complaint, this Order, and the Government's Notice of Decision to Decline Intervention (the "Notice of Decision"). The relator will serve upon the defendant this Order and the Notice of Decision only after service of the first amended complaint.

3. Upon the unsealing of the first amended complaint, the seal shall be lifted as to all other matters occurring in this action after the date of this Order.

4. The parties shall serve all pleadings, motions, and notices of appeal filed in this matter, including supporting memoranda, upon the United States. The United States may order any transcripts of depositions. The United States may seek to intervene with respect to the allegations in the relator's complaint, for good cause, at any time, and may seek dismissal of this action upon intervention.

5. All orders of this Court in this matter shall be sent to the United States by the relator.

6. Should the relator or the defendant propose that the first amended complaint or any of its allegations be dismissed, settled, or otherwise discontinued, the party or parties proposing such relief must solicit the written consent of the United States before applying for Court approval.

Dated: New York, New York  
July 11, 2023

SO ORDERED:



---

HONORABLE P. KEVIN CASTEL  
*United States District Judge*